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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-12-00346 YGR
)	
11 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO RESET CHANGE OF PLEA
12 v.)	HEARING TO STATUS HEARING AND
)	TO EXCLUDE TIME UNDER THE
13 ALBA VELEZ CABRERA,)	SPEEDY TRIAL ACT
)	
14 Defendant.)	Date: August 2, 2012
)	Time: 2:00 p.m.
15)	
16)	

17 The above-captioned matter is set on August 2, 2012 before this Court for change of plea
18 hearing. Defendant is charged with illegal reentry, a violation of 8 U.S.C. § 1326, and she has
19 pleaded not guilty to the Indictment. The government has offered defendant a plea agreement
20 pursuant to the Northern District of California's early disposition (or "fast-track") program for
21 illegal reentry cases. At the last appearance, to expedite this matter, the Court ordered a pre-plea
22 Presentence Investigation Report.

23 The Probation Office has prepared a draft report that will be disclosed before Thursday,
24 August 2, 2012. The parties would like an opportunity to review and comment on the draft
25 report and thus request that the Court reset the August 2, 2012 change of plea hearing to a status
26

Stip. Req. To Reset Hearing Date to Status
Hearing and to Exclude Time, No. CR-12-00346
YGR

1 hearing. Additionally, defense counsel needs additional time to review the discovery and to
2 assess the proposed plea agreement, and thus at the status conference on August 2, 2012, the
3 parties plan to request that the Court set this matter over to August 30, 2012 for what will likely
4 be a change of plea and sentencing hearing. At the status hearing, the parties further plan to
5 request that the Court continue to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161,
6 between August 2, 2012 and August 30, 2012, for effective defense preparation.

7
8 DATED: July 30, 2012

/S/
CHRISTINA McCALL
Assistant United States Attorney

9
10
11 DATED: July 30, 2012

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the government has offered defendant a “fast-track” plea agreement;
2. Given that the Probation Office will disclose a draft report this week and that the parties need additional time to review and to comment on that report;
3. Given that the parties plan to request a change of plea and sentencing hearing date for August 30, 2012;
4. Given that the defense needs additional time to review the discovery and to assess whether or not to accept the government’s plea offer;
5. Given that these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and
6. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the change of plea hearing date of August 2, 2012, scheduled at 2:00 p.m., is reset for a status hearing. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from the date of this Stipulation until August 30, 2012.

DATED: August 1, 2012


YVONNE GONZALEZ ROGERS
United States District Judge